



Independent  
Television

91-123

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October 6, 1994

OCT 6 4 41 PM '94

Merrill Speigel, Esq.  
Legal Assistant  
The Honorable Reed Hundt  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Merrill:

Pursuant to discussions with Blair, he has asked me to forward materials to you regarding the FCC upcoming PTAR proceeding. Enclosed please find some questions which INTV believes should be asked.

I understand that you are looking for proposals regarding "transitional" rules. I have attempted to craft some suggestions. In addition, Blair has told me that one of the policy options would be retention of the rule. As a result, I have included such an option in my analysis.

I hope this is helpful. Please give me a call as soon as you can to discuss these materials. I look forward to working with you on this matter.

Best regards,

David

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## Questions:

We recognize that smaller, generally weaker, independent stations claim that the Prime Time Access Rule in general, and the off-network rule, in particular, are necessary to promote diversity and competition in local markets. In 1991, the Office of Plans and Policy concluded that "Although broadcasting will remain an important component of the video mix, small market stations, weak independents in larger markets, and UHF independents in general will find it particularly difficult to compete, and some are likely to go dark." OPP Working Paper: Broadcast Television in a Multichannel Marketplace, June 1991 at vii. Moreover in our most recent financial interest and syndication decision we found support for the proposition that independent stations would be harmed if they could not obtain hit off-network shows. Memorandum Opinion and Order, 8 FCC Rcd, 8270, 8294 n. 64 (1993). When viewed in this light, the Commission's ultimate goal is to enhance the viewing option that are available to the American public.

Our concerns in this area must be balanced against the potential impairment for continued development of programming for the networks. As we have noted elsewhere, the market place has changed dramatically since the Prime Time Access Rule was enacted. There is a legitimate question whether the Prime Time Access Rule should be retained, in its present form, in perpetuity. Our objective in this proceeding is to focus squarely on how the rule impacts on the public interest and not simply redistributing economic rents among various industry participants. To this end several key questions must be addressed.

First, is the rule necessary to promote diversity and competition in today's video market place? In this respect, how does the broadcast of off-network re-runs by independent stations promote diversity and competition? This programming has already been seen by the American public. Do stations broadcasting such programs during the access period use revenues obtained during the access period to subsidize other programs, especially news and public affairs? If the rule is eliminated and economic harm ensues, will stations cut back on such programs. Alternatively, if the off-network rule is eliminated, are diversity and competition enhanced by having off-network re-runs broadcast by network affiliates during the access period? Also, elimination of the rule may tend to help the largest and strongest stations in each market at the expense of smaller and weaker stations. If this analysis is correct, how does this promote diversity and competition in local television markets?

Second, the Coalition argues that the off-network rule creates a disincentive to produce top quality programs for the networks. They argue that the rule artificially raises the costs for non-network first run programs while at the same time depressing the market for off-network syndicated programs. Nevertheless, the rule has been in existence for nearly 20 years and there appears to be

a robust supply of off-network programs that can be syndicated. Indeed, some parties acknowledged that there is an oversupply of such programming available on the market today. To what extent has the off-network rule inhibited production? Can this be quantified? Also, the Coalition observes that alternative purchasers, such as cable television, do not provide a sufficient economic base to keep the programming market healthy. If this is true, how does this comport with our findings in the financial interest and syndication proceeding. In fyn/syn the Commission found that the networks were no longer able to dominate the production community because programs could be produced and sold to cable television. If cable provides a sufficient economic base to support new programming ventures, why is it insufficient to provide a viable aftermarket for syndicated off-network product?

More importantly, if the off-network rule is eliminated and revenues to network program producers are enhanced, will this further the Commission's goal of promoting new diverse program product? In other words, will increased revenues be used for additional programming ventures or will they be used to cross subsidize business venture unrelated to program production?

Third, evidence submitted by the Coalition indicates that independent stations will retain the ability to acquire off-network programs if the off-network rule is eliminated. These data are based on an analysis of program distribution in markets that are currently not subject to the Prime Time Access Rule. This is significant evidence. Nevertheless, we recognize that the data were gathered at a time when the Prime Time Access Rule was in place. We solicit comment on whether the data are predictive of program distribution in an environment when either the off-network rule or the overall Prime Time Access Rule is eliminated.

Fourth, several parties have urged us to repeal the off-network rule while at the same time, retain the over-all Prime Time Access Rule. The network affiliates association, NASA, believes that the over-all Prime Time Access Rule should be retained because the network still occupy a dominant position with respect to their affiliated stations. This position assumes that the networks would somehow force new, network produced first run programming on affiliated stations against their will. Nevertheless, the off-network rule was enacted to close a purported "loop hole" in the original Prime Time Access Rule. In this regard the legal and policy considerations underpinning the off-network rule are the same as those that underlay the entire rule. The two rules appear to be inextricably linked. We solicit comment on whether there is any sound legal or public policy reason for keeping one part of the rule. In this respect, the affiliates' concerns about being forced to accept network produced first run programming appear to be equally true if the networks are permitted syndicate their own off-network programs.

Moreover, the underlying purpose of the Prime Time Access Rule

was to give non-network independent producers the opportunity to access prime time audiences on the largest stations in each market. Will repealing the off-network rule and retaining the Prime Time Access rule provide a sufficient opportunity for independent producers to access these audiences? Assuming network affiliated stations purchase off-network product for the access period in the top 50 markets, will this, by itself, foreclose a significant number of available time slots, making it more difficult to launch first run programming?

Fifth, we recognize that broadcast industry is on the verge of developing a fifth and perhaps sixth over-the-air broadcast network. The development of these new networks will increase the viewing options for the American people, especially those who do not subscribe to cable. Viacom has argued that to be competitive, any new network must be built on a strong base of independent stations. In fact, the success of the Fox network has been predicated on a base of the strongest, formally independent stations, in each market. We solicit comment on the extent to which the Prime Time Access rule will assist in the development of new broadcast networks? Is it critical to their development? Alternatively, does the formation of new networks further reduce the potential purchasers for first run and off-network syndication programming, thereby arguing for elimination of the rule?

Finally, the video marketplace may undergo significant changes in the very near future. What relevance do changes in the Commission's financial interest and syndication rules have on the continued need for the Prime Time Access Rule? Do market changes obviate the need for such a rule? Do they increase the need for the rule?

## Policy Options

While we believe the time has come to revisit the Prime Time Access Rule, serious questions arise regarding the transitional process. Sound public policy dictates that no rule can last in perpetuity in a rapidly changing market place. The issue before us is to balance competing public interest considerations to determine what is best for the American viewing public. Accordingly, we solicit comment on a variety of policy options.

First, we solicit comment on whether the Prime Time Access Rule should be repealed immediately. Commenters should discuss the implications of such an immediate repeal including its impact on independent stations and the incentives that would be created for the development of network program product.

Second, significant changes are taking place in the video market place. To date we have not seen the full impact of our

financial interest and syndication decision. Moreover, there is the distinct possibility of future mergers between major studios and the networks. Given these facts, should any conclusions reached in this proceeding regarding the Prime Time Access Rule be delayed until we have an opportunity to assess the new market place. For example, if we decide in this proceeding to eliminate the prime time access rule, should that decision be held in abeyance pending a future proceeding on the status of the video market place.

Third, if we decide to eliminate the rule in this proceeding, should there be transitional rules to avoid short term dislocations? We note that under the rule today, stations are given at least two years advanced notice of any changes in their top 50 market status. Should a similar transitional rule be adopted to avoid market place dislocations?

Fourth, assuming the public interest is served by the development of new over-the-air networks and that the Prime Time Access rule is critical to the development of these networks, should a transition period be adopted that is somehow linked to new network development?

Fifth, in many respects carriage of local stations by cable systems has helped equalize the disparity between strong VHF and weaker UHF stations. Carriage of these stations is an important element in providing consumers with an attractive low cost basic tier of service. However, while cable passes 90 percent of television households only 65 percent of these households subscribe. Thus, a significant portion of the American viewing public still receives signals over-the-air. Thus the disparity between large and small stations remains economically significant. Moreover, the status of must-carry, remains uncertain. Should rules, such as the Prime Time Access Rule, which assist smaller stations be related to increases in cable subscribership and continued carriage on cable systems? Does the channel positioning of UHF stations impact on this analysis?

Sixth, the disparity between large and small stations may be reduced as the broadcast industry moves towards and advanced digital transmission system. Should the Prime Time Access rule be linked to such a development?

Seventh, should the Commission simply retain the rule in its present form for the foreseeable future? In this regard, we solicit comment on the time frame in which the Commission should re-examine the issue.

Finally, we recognize that programming, especially popular off-network programming is sometimes sold well in advance of its actual broadcast. As a result, there is the potential for stations to adjust their programming purchases in contemplation of a change in our rule. See Broadcasting and Cable, May 16, 1994 at 22. In this regard, we would caution stations and program distributors

that the Commission has not yet concluded that the Prime Time Access Rule or the off-network rule should be revised or eliminated. As with any proceeding, the rule remains in full force and effect while the rule making is pending. To the extent the Commission may decide to keep the rule in place or adopt some form of transitional rule, stations and distributors should proceed cautiously with programming plans that do not comport with our existing rules.

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

October 4, 1994

Mr. Roy Stewart  
Chief, Mass Media Bureau  
Federal Communications Commission  
Room 314  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Mr. Stewart:

As independent producers of first-run syndicated television programs, we are alarmed at reports that the Commission is about to begin a rulemaking to change or eliminate the Prime Time Access Rule without following the essential initial step of issuing a notice of inquiry in a matter which raises such enormous public policy and public interest issues.

A notice of proposed rulemaking suggests a tentative conclusion that a change needs to be made. Such a presumption should follow a neutral, in-depth study of the subject via a notice of inquiry that would draw substantive comments to give the Commission detailed information it needs before deciding whether to proceed further.

The fact that a few anti-PTAR petitions have been on file at the Commission for several years does not mean that the Commission has conducted a serious and searching examination of how the Rule has worked or of the likely effects on all interested parties--including programming choices for viewers of free, over-the-air television--if the Rule were altered or killed. There is, in fact, no up-to-date, detailed study of the marketplace in which the PTAR operates.

The Rule was created almost 25 years ago to stimulate diversity in programming by opening up one hour of television's prime time on the most-watched stations so that independent producers could offer programs without going through the network filter. In fact, the PTAR gave birth to a whole new industry--first-run production and syndication. There was a handful of independent producers before the Rule. There are HUNDREDS now.

Without the PTAR in its present form, opportunity for independent, first-run producers would disappear, along with thousands of jobs in their companies.

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October 4, 1994  
Page Two

Yes, the growth of cable systems has created another market for program producers. However, network-owned and affiliated television stations remain, overwhelmingly, the primary buyers of highly produced, quality programming and the most effective avenue for a producer to reach the mass video audience.

Eliminating the off-network portion of the PTAR would create a two-class system of allowing the networks and companies that produce for them to expand their domination of the most desirable marketplace, prime time, while relegating independent producers, especially small, minority and women-owned companies, to second-class marketplaces.

The revised Financial Interest and Syndication Rules allow a network to take an ownership role in programming aired on the network. If the Commission ends the PTAR's ban on the airing of off-network shows on network owned-and-operated stations and network-affiliated stations in the top 50 markets during the Access hour, many of these stations would likely carry those off-network programs in which the parent network holds a financial interest.

Without access to these leading stations in the crucial, top 50 markets, independent producers would find it difficult if not impossible to launch first-run shows in that hour. While many network affiliates below the top 50 markets now carry first-run programs, those first-run programs would not have been available in any size market without the Rule.

If there were any doubt that the networks intend to take over the production market, the newly elected president of Capital Cities/ABC told Variety in the issue of September 21, 1994, that ABC will own almost 40 percent of the prime time schedule this Fall.

We believe the Commission should wait to see the results of the projected ending next Fall of the remaining Financial Interest and Syndication Rules before considering alteration or elimination of the PTAR. This Rule is the last barrier to total vertical integration of the production and distribution industries which supply the programs that a majority of Americans watch.



October 4, 1994  
Page Three

If waiting that long is TOO long for the Commission, at least we urge you to proceed carefully, deliberately, traditionally, by starting with a notice of inquiry. If the FCC opens with a notice of proposed rulemaking, that alone will start to close the Access marketplace as network affiliates begin acquiring off-network shows to have them available for when the Rule would officially be changed.

We are independent producers who wish to create and offer first-run programming for Access time. We aspire to the success achieved there by others, thanks to the PTAR which opened--and keeps open--at least that one hour of prime time so that companies, large and small, can compete. Please proceed with great care in considering any change in this Rule. It has allowed us to dream and to pursue our dreams.

Thank you for hearing us.

ACI  
All American Television, Inc.  
Central City Productions, Inc.  
Claster Television Incorporated  
Crescent Entertainment, Inc.  
Mark Goodson Productions LP  
Kushner-Locke Company  
Lee Miller Productions  
Loreen Arbus Productions, Inc.  
Muller Media, Inc.  
Ralph Edwards/Stu Billett Productions  
S.I. Communications, Inc.  
Videoware Corporation

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David Horowitz  
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

October 4, 1994

Renee Licht  
Deputy Chief, Mass Media Bureau  
Federal Communications Commission  
Room 314  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Ms. Licht:

As independent producers of first-run syndicated television programs, we are alarmed at reports that the Commission is about to begin a rulemaking to change or eliminate the Prime Time Access Rule without following the essential initial step of issuing a notice of inquiry in a matter which raises such enormous public policy and public interest issues.

A notice of proposed rulemaking suggests a tentative conclusion that a change needs to be made. Such a presumption should follow a neutral, in-depth study of the subject via a notice of inquiry that would draw substantive comments to give the Commission detailed information it needs before deciding whether to proceed further.

The fact that a few anti-PTAR petitions have been on file at the Commission for several years does not mean that the Commission has conducted a serious and searching examination of how the Rule has worked or of the likely effects on all interested parties--including programming choices for viewers of free, over-the-air television--if the Rule were altered or killed. There is, in fact, no up-to-date, detailed study of the marketplace in which the PTAR operates.

The Rule was created almost 25 years ago to stimulate diversity in programming by opening up one hour of television's prime time on the most-watched stations so that independent producers could offer programs without going through the network filter. In fact, the PTAR gave birth to a whole new industry--first-run production and syndication. There was a handful of independent producers before the Rule. There are HUNDREDS now.

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To: Maureen O'Connell

From: Jerry Udwin

Date: October 7, 1994

As we discussed yesterday, the following are several questions which could be included in whatever Notice the Commission may issue regarding the Prime Time Access Rule.

- o In terms of audience and expenditures for programming, how do network-affiliated television stations compare to cable and DBS services as markets for first-run syndicated programming?
- o What is the likelihood that network-owned stations in the top markets will favor off-network or first-run programs in which the network holds a financial interest and thereby block independent producers from launching first-run programs?
- o How has the roster of first-run programs in Access time changed over the life of the Rule?
- o How much programming are the broadcast networks buying from outside sources in programming categories where the networks increasingly are producing their own shows?
- o How much programming are cable networks buying from outside sources and how much are they producing in-house?

Thank you for considering these questions.

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KNIX FM 102.5  
Phoenix, AZ

KC&W AM 1580  
Phoenix, AZ

Ruth Milkman  
Federal Communications Commission  
Office Of Chairman Reed Hundt  
1919 M Street, NW  
Room 814  
Washington, DC 20554

Dear Ms. Milkman:

I understand that at its October meeting the Federal Communications Commission may initiate a proceeding looking to relax the Prime Time Access Rule. On behalf of station KUZZ, I strongly urge you to retain the "off-network" portion of the rule.

The off-network rule is vitally important to my station and is absolutely necessary to promote diversity and competition in local television markets. In fact, the off-network portion of the Prime Time Access Rule has been instrumental in creating a competitive independent television industry. It is also an essential element in the Commission's long held goal of creating new off-air television networks.

Without the off-network rule, independent stations will have a difficult time securing the rights to top quality off-network programming to air during the access period. This in turn will have a negative impact on my station's ability to finance programming for other dayparts, including local news and public affairs programming.

It is no secret that major changes are taking place in the broadcast industry. Mega mergers between the big three networks and major program producers appear to be on the horizon. With the big three networks poised to enter the off-network and first run syndication market, my station will have a difficult time obtaining the rights to programming. Eliminating the off-network rule may make it impossible. Without PTAR and the off-network portion of the rule, the American public will receive all of its programming from a few telecommunications giants. Such a result is not in the public interest.

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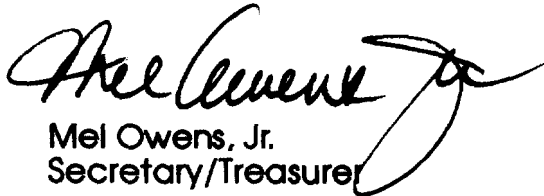
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BUCK OWENS PRODUCTION COMPANY, INC.

If the FCC intends to examine this issue, it should do so in the context of a neutral Notice of Inquiry. At this time the FCC should not proceed directly to rule making. There are too many unresolved and complex issues which have not been discussed on the record.

Proposals to eliminate the off-network provision of PTAR will return us to a system where the three major networks can squeeze out independent producers and stifle competition from stations not affiliated with the big three networks. The Commission should not abdicate its responsibility to promote competition. Stations such as my own deserve a chance to compete. I urge you to proceed with extreme care and retain the off-network rule.

Sincerely,

  
Mel Owens, Jr.  
Secretary/Treasurer

MO/cm



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FEDERAL COMMUNICATIONS COMMISSION  
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Merrill Spiegel  
Federal Communications Commission  
Office Of Chairman Reed Hundt  
1919 M Street, NW  
Room 814  
Washington, DC 20554

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CAMERA ADS  
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Tel 805.327.9803

KNIX FM 102.5  
Phoenix, AZ

KC&W AM 1580  
Phoenix, AZ

Dear Merrill Spiegel:

I understand that at its October meeting the Federal Communications Commission may initiate a proceeding looking to relax the Prime Time Access Rule. On behalf of station KUZZ, I strongly urge you to retain the "off-network" portion of the rule.

The off-network rule is vitally important to my station and is absolutely necessary to promote diversity and competition in local television markets. In fact, the off-network portion of the Prime Time Access Rule has been instrumental in creating a competitive independent television industry. It is also an essential element in the Commission's long held goal of creating new off-air television networks.

Without the off-network rule, independent stations will have a difficult time securing the rights to top quality off-network programming to air during the access period. This in turn will have a negative impact on my station's ability to finance programming for other dayparts, including local news and public affairs programming.

It is no secret that major changes are taking place in the broadcast industry. Mega mergers between the big three networks and major program producers appear to be on the horizon. With the big three networks poised to enter the off-network and first run syndication market, my station will have a difficult time obtaining the rights to programming. Eliminating the off-network rule may make it impossible. Without PTAR and the off-network portion of the rule, the American public will receive all of its programming from a few telecommunications giants. Such a result is not in the public interest.

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Proposals to eliminate the off-network provision of PTAR will return us to a system where the three major networks can squeeze out independent producers and stifle competition from stations not affiliated with the big three networks. The Commission should not abdicate its responsibility to promote competition. Stations such as my own deserve a chance to compete. I urge you to proceed with extreme care and retain the off-network rule.

Sincerely,



Mel Owens, Jr.  
Secretary/Treasurer

MO/cm



Independent  
Television

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OCT 25 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

October 4, 1994

Ms. Renee Licht  
Deputy Chief, Mass Media  
Federal Communications Commission  
1919 M Street, NW Room 314  
Washington, DC 20554

Dear Renee:

As the enclosed letters indicate, INTV is not alone in believing that the Commission should proceed with a general inquiry regarding the Prime Time Access Rule.

Sincerely,

David L. Donovan  
Vice President, Legal and  
Legislative Affairs

Enc.

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K M S P

September 28, 1994

KMSP Television  
11358 Viking Drive  
Eden Prairie, MN 55344-7258  
612.944.9999

A United  
Television Inc.  
Station

The Honorable Reed Hundt  
Federal Communications Commission  
1919 M Street, NW  
Room 814  
Washington, D.C. 20554

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OCT 25 1994

Dear Chairman Hundt:

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

I understand that at its October meeting the Commission may initiate a proceeding looking to relax the Prime Time Access Rule. I strongly urge you to proceed with caution in this area.


The off-network rule has successfully promoted diversity and competition in local television markets. In fact, the off-network portion of the Prime Time Access Rule has been instrumental in creating a competitive independent television industry.

Without this longstanding rule of the Commission, my station will have a difficult, if not impossible time, securing the rights to top quality off-network programming to air during the access period. The market in which we operate will change significantly, jeopardizing what has been a very successful innovation by the Commission to ensure diverse offerings.

I recognize that it is incumbent upon the Commission to review its rules periodically to ensure their continued effective operation, and PTAR is no exception. Please recognize, however, that while the off-network rule itself is simple in nature, the potential ramifications of eliminating such a rule are complex. For this reason, I would only hope that you will give this matter your fullest and most deliberate consideration before taking any action.

Thank you for your time and attention to my comments.

Sincerely,

  
Stuart Z. Swartz  
Vice President and  
General Manager

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Suite 300  
10 E. Cambridge  
Circle Drive  
Kansas City  
Kansas 66103

913.621.6262

facsimile  
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**KSMO TV 62**

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Mr. Roy Stewart  
Mass Media Chief, Rm. 314  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Mr. Stewart:

I understand that at its October meeting the Federal Communications Commission may initiate a proceeding looking to relax the Prime Time Access Rule. On behalf of station, KSMO-TV62, strongly urge you to retain the "off-network" portion of the rule.

The off-network rule is vitally important to my station and is absolutely necessary to promote diversity and competition in local television markets. In fact, the off-network portion of the Prime Time Access Rule has been instrumental in creating a competitive independent television industry. It is also an essential element in the Commission's long held goal of creating new off-air television networks.



Without the off-network rule, independent stations will have a difficult time securing the rights to top quality off-network programming to air during the access period. This in turn will have a negative impact on KSMO-TV62's ability to finance programming for other dayparts, including local news and public affairs programming.

It is no secret that major changes are taking place in the broadcast industry. Mega mergers between the big three networks and major program producers appear to be on the horizon. With the big three networks poised to enter the off-network and first run syndication market, my station will have a difficult time obtaining the rights to programming. Eliminating the off-network rule may make it impossible. Without PTAR and the off-network portion of the rule, the American public will receive all of its programming from a few telecommunications giants. Such a result is not in the public interest.

If the FCC intends to examine this issue, it should do so in the context of a neutral Notice of Inquiry. At this time, the FCC should not proceed directly to rule making. There are too many unresolved and complex issues which have not been discussed on the record.

Proposals to eliminate the off-network provision of PTAR will return us to a system where the three major networks can squeeze out independent producers and stifle competition from stations not affiliated with the big three networks. The Commission should not abdicate its responsibility to promote competition. Stations such as KSMO-TV62 deserve a chance to compete. I urge you to proceed with extreme care and retain the off-network rule.

Sincerely,

  
Jim MacDonald  
V.P./General Manager  
  
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# PTAR TOP 50 MARKET ACCESS POSITION PAPER

The Walt Disney Studios  
April, 1994

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PTAR's OBJECTIVE IS NOT ACCOMPLISHED

OCT 25 1994

A Program Monopoly -- Not DIVERSITY -- In Access

FEDERAL COMMUNICATIONS COMMISSION  
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Original Intent: The Prime Time Access Rule (PTAR) was enacted to promote program diversity on Top 50 affiliate stations during the hour preceding primetime (access).

Outcome: This has not occurred.

- Only 10 first-run programs account for 71% of the 300 affiliate access time periods in the Top 50 markets.
  - In the smaller markets (#51-100) -- even without the PTAR exclusion-- still only 10 first-run programs control over half of the total shelf space.
- While PTAR forbids off-network programs from airing in access on affiliates in the Top 50 markets, in markets 51-100 -- free of PTAR restrictions -- off-network programs account for only 22% of the total shelf space.

## THE CURRENT LANDSCAPE

### All Affiliate Access Programming Markets 1-50/51-100

<u>Top 50 Markets</u>	<u># of Half Hours</u>	<u>% of Total</u>	<u>All Program(s)</u>
First-Run Programming	212	71%	Wheel, Jeopardy, E.T., Hard Copy, Current Affair, Inside Edition, American Journal, Love Connection, Family Feud, Highway Patrol
Off-Fox Programming	12	4%	Married w/Children, Cops
Off-Net Sitcoms*	4	1%	Coach, Cheers, Roseanne, Golden Girls
Off-Net (PTAR exemption)	4	1%	Rescue 911
Off-Syndication	2	1%	Star Trek TNG
Local News	48	16%	
Network News	15	5%	
Local Programming	3	1%	
<b>Total</b>	<b>300</b>	<b>100%</b>	

\* Grandfathered in two markets: Wilkes Barre and West Palm Beach.

<u>Markets 51-100</u>	<u># of Half Hours</u>	<u>% of Total</u>	<u>All Program(s)</u>
First-Run Programming	157	52%	Wheel, E.T., Jeopardy, Inside Edition, Current Affair, Hard Copy, American Journal, Family Feud, Love Connection, Highway Patrol
Off-Net Sitcoms	46	15%	Roseanne, Cheers, Empty Nest, Coach, Murphy Brown, Golden Girls, Cosby, MASH, Full House
Off-Fox Programming	17	6%	Married w/Children, Cops
Off-Net (Other)	3	1%	Rescue 911
Off-Syndication	5	2%	Star Trek TNG, Mamma's Family
Local News	68	23%	
Network News	4	1%	
<b>Total</b>	<b>300</b>	<b>100%</b>	

# PTAR's OBJECTIVE IS NOT ACCOMPLISHED

## A Distributor Monopoly -- Not Diversity -- In Access Top 50 Market Affiliates

Original Intent: PTAR will promote the growth of independent program distributors and alternative sources of programming.

Outcome: This did not occur.

- Three companies monopolize access on Top 50 market affiliates: King World, Paramount, and Fox.
  - Together with only 10 shows between them (first-run, off-Fox, off-syndication), they control 93% of all syndicated programming on affiliates in access.

King World: Controls 49% of all syndicated time periods with Wheel, Jeopardy, Inside Edition, and American Journal. (This may increase if American Journal attains access upgrades.)

Paramount: Entertainment Tonight and Hard Copy control 27% of all syndicated time periods -- adding Star Trek TNG bumps it up to 28%.

- The emerging Paramount "network" (not to mention Warner Bros.) will receive Fox-like protection since its future network programs can air on Top 50 affiliates in access.

Fox: Current Affair and Cops account for 16% of all syndicated time periods in access.



# TOP 50 MARKETS: THE DISTRIBUTOR SCORECARD

## All Affiliate Access Programming In Syndicated Time Periods

	<u># of Half Hours Top 50 Markets</u>	<u>% of Total Available</u>	<u>All Show(s)</u>
King World	115	49%	Wheel, Jeopardy, Inside Edition, American Journal
Paramount	66	28%	E.T., Hard Copy, Star Trek TNG
Fox	37	16%	Current Affair, Cops
<b>3 Company Total</b>	<b>218</b>	<b>93%</b>	
Warner Bros.	2	< 1%	Love Connection (cancelled next season)
All American	3	< 1%	Family Feud
Genesis	1	< 1%	Real Stories of the Highway Patrol
Off-Net Sitcoms	6	< 3%	Coach, Cheers, Roseanne, Golden Girls, (grandfathered in West Palm Beach and Wilkes Barre), Married w/Children
PTAR Exemptions	4	< 2%	Rescue 911
<b>Other-Total</b>	<b>16</b>	<b>7%</b>	
<b>Total-All</b>	<b>234</b>	<b>100%</b>	

Source: Nov. 93. All Top 50 affiliates, M-F 700-800P (E.S.T.).